

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 12, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JENNY B.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 1:23-cv-3102-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
§ 405(g)**

On December 8, 2023, the parties filed a Stipulated Motion for Remand. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The parties also agree that, upon proper request to the Court, Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is

GRANTED.

¹ For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

2. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- allow Plaintiff the opportunity to submit new evidence.
- give further consideration to the opinion evidence consistent with 20 C.F.R. §§ 404.1520c and 416.920c.
- further evaluate the residual functional capacity consistent with a reevaluation of the opinion evidence.
- take any necessary action to complete the administrative record and the sequential evaluation.
- issue a new decision for the period prior to January 1, 2023.

3. The Clerk's Office shall **TERM** the hearing and Plaintiff's brief, **ECF No. 10**, enter **JUDGMENT** in favor of Plaintiff, and **CLOSE** the case.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 12th day of December 2023.



EDWARD F. SHEA
Senior United States District Judge